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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

POLLACK, MELVIN H

ART UNIT	PAPER NUMBER
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2145

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/838,436	CSERI ET AL.	
	Examiner	Art Unit	
	Melvin H. Pollack	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 and 30-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 and 30-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>see attached office action</u> . |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 18 December 2006 has been entered.
2. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Response to Arguments

3. Applicant's arguments filed 18 December 2006 have been fully considered but they are not persuasive. They are a mere request to consider the amendment and arguments submitted 13 March 2006.

4. Examiner had considered said amendment and remarks, and adequately replied to such on 12 June 2006 in a Final Rejection. Examiner's reconsideration of the amendment and remarks has not yielded a change of determination; the final rejection was correct.

5. In the interview summary, dated 23 October 2006, the examiner agreed that further search and consideration may be required in light of *new* amendments and/or arguments pertaining to clarifications of the significant bit and continuation flag. Such amendments and remarks must be written; it is improper for the examiner to place consideration on oral statements not in the record. The examiner's position remains the validity of the original final rejection, and hence the validity of the rejection when the exact same claims and arguments are presented.

6. Therefore, the rejection is maintained and made final for the reasons above and in the prior final action dated 12 June 2006.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claims 1-28 and 30-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Girardot et al. (XML article, previously cited) in view of Shadmon et al. (6,804,677).

9. For claims 1, 11, Girardot teaches a method and system (Title and Abstract) for generating a data stream (Pp. 747-749, Sections 1 and 2) according to a binary format (P. 749, section 3, Paras. 1-2) of a tag-based description language (Section 3) comprising tokenizing tag names into numeric tokens (Tables 1 and 2) for use in the data stream (P. 750-751, section 3, example code 1), wherein the numeric tokens are in incrementally consumable form (Section 4, esp. section 4.3 re parsing tokens in order).

10. For claims 12, 23, Girardot teaches a method and system (Title and Abstract) for receiving a well-formed document (Pp. 747-749, Sections 1 and 2) in a text format (P. 750, source doc 1) of a tag-based description language (section 3) and converting the document to a binary format format (P. 749, section 3, Paras. 1-2) via tokenization of the tag and attribute names (section 3) into numeric tokens (Tables 1 and 2), wherein the tokens are in incrementally consumable form (Section 4, esp. section 4.3 re parsing tokens in order).

11. For claim 16, Girardot teaches a method and system (Title and Abstract) for assembling data (Pp. 747-749, Sections 1 and 2) into a document (P. 751, section 3, example code 2) according to a binary format (P. 749, section 3, Paras. 1-2) by tokenizing the tag and attribute names (section 3) into variable sized numeric tokens (Tables 1 and 2), wherein the numeric tokens are in incrementally consumable form (Section 4, esp. section 4.3 re parsing tokens in order).

12. For claim 20, Girardot teaches a method and system (Title and Abstract) for receiving a document (Pp. 747-749, Sections 1 and 2) formatted according to a binary format (P. 749,

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section 3, Paras. 1-2) of a tag-based description language (section 3), wherein the document is consumed incrementally (Section 4, esp. section 4.3 re parsing tokens in order), and directly parsing the data in the document for use by another element in a computer system (section 4).

13. For claims 27, 37, Girardot teaches a method and system (Title and abstract), including a transmitting device (P. 761, Fig. 2) transmitting a streaming fashion data (Pp. 747-749, Sections 1 and 2) formatted according to a tag-based description language (section 3), for generating a data stream according to a binary format (P. 749, section 3, Paras. 1-2) of the tag-based description language (Tables 1 and 2), comprising:

- a. For each unique tag name, at the first time a tag name of the data is encountered, tokenizing the tag name into a numeric token and transmitting the token and the text associated with the tag name (section 3), wherein the numeric tokens are in incrementally consumable form (section 4); and
- b. At any time subsequent to the first time that the tag name of the data is encountered, transmitting the numeric token without the text (sections 3 and 4.2).

14. For claim 38, Girardot teaches a method and system (title and abstract) for generating a data stream (Pp. 747-749, Sections 1 and 2) according to an XML binary format (P. 750, col. 1, Para. 2), comprising tokenizing tag names and attribute names into variable sized numeric tokens (section 3), wherein the numeric tokens are in incrementally consumable form (section 4), wherein said tokenizing of attributes enables values natively stored as binary data types to be inserted into the data stream (section 3), wherein said tokenizing of tag names includes inserting a name definition construct into the data stream the first time a tag name is encountered for

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purposes of recreating the tag names by a device that receives the data stream (section 4), thereby decreasing parsing time (section 4.2).

15. Further regarding claims 1, 11, 12, 16, 20, 23, 27, 37, and 38, Girardot does not expressly disclose having the most significant bit of at least one token be designated as a continuation flag. Shadmon teaches a method and system (title and abstract) of handling XML documents (col. 1, line 1 – col. 11, line 45), by encoding XML components via tokens (col. 12, line 59 – col. 13, line 45 and col. 14, lines 1-10), wherein the numeric tokens are in incrementally consumable form by having the most significant bit of at least one token be designated as a continuation flag (col. 14, line 37 – col. 16, line 50). At the time the invention was made, one of ordinary skill in the art would have added Shadmon's teachings to Girardot in order to handle XML documents wherein the order of presented objects is critical to maintain (col. 14, lines 35-60).

16. For claims 2, 28, Girardot teaches tokenizing attribute names into numeric tokens (section 3; tables 1 and 2).

17. For claims 3, 30, Girardot teaches that said numeric tokens for tag names are variable sized (P. 750, table 1).

18. For claims 4, 31, Girardot teaches that said numeric tokens for attribute names are variable sized (P. 750, table 1).

19. For claims 5, 13, 17, 24, 32, Girardot teaches that said tokenizing of attributes enables values natively stored as binary data types to be inserted into the data stream (P. 750, col. 1, Para. 2).

20. For claims 6, 14, 18, 25, Girardot teaches that said tokenizing of tag names includes inserting a name definition construct into the data stream the first time a tag name is encountered

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for purposes of recreating the tag names by a device that receives the data stream (P. 751, section 4).

21. For claims 7, 15, 19, 22, 26, 33, Girardot teaches that the tag-based description language is extensible markup language (XML) (P. 750, col. 1, para. 2).

22. For claims 8, 34, Girardot teaches that the tokenizing of the tag and attribute names decreases the time elapsed parsing the data stream by a device that receives the data stream, the time being decreased relative to the parsing of a corresponding text-based format of the tag-based description language (P. 752, section 4.2).

23. For claims 9, 35, Girardot teaches that the tokenizing of the tag and attribute names decreases overhead incident to formatting data for representation according to the tag-based description language (P. 751, col. 1, section 4.0, Paras. 1-2).

24. For claims 10, 36, Girardot teaches that the tokenizing of the tag and attribute names decreases the size of the resulting data file formatted according to the tag-based description language (P. 748, col. 1, para. 2; P. 748, col. 2, para. 4; P. 751, col. 1).

25. For claim 21, Girardot teaches that, before said parsing, said method includes converting the document to a text format of the tag-based description language (Pp. 752-753, section 4.2).

Conclusion

26. This is a continuation of applicant's earlier Application No. 09/838436. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first

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action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin H. Pollack whose telephone number is (571) 272-3887. The examiner can normally be reached on 8:00-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Melvin H Pollack
Examiner
Art Unit 2145

MHP
06 March 2007



JASON CARDONE
SUPERVISORY PATENT EXAMINER